

DELEGATED DECISION REPORT

HPK/2023/0112
Valid 27/03/2023

MOORSIDE COTTAGE
ACCESS DRIVE CHARLES
LANE
GLOSSOP

REPLACEMENT OF EXISTING
WATER SUPPLY PUMP
HOUSING UNIT WITH NEW
BUILDING

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Impact on Green Belt
- Design, Character and Appearance

DESCRIPTION OF SITE

The application site comprises a small parcel of land that sits immediately adjacent to the private driveway and entrance to a detached property known as Moorside Cottage, and a public footpath that extends northwards from the entrance to the property. The site is bounded from the driveway by a post and wire fence and from the public footpath by a timber fence.

At the edge of the private driveway stands a very small cabinet structure approximately 1m in height with a mono-pitched roof that contains small scale infrastructure that facilitates a private water supply to the main dwellinghouse, which stands on higher ground approximately 200 metres to the east. The cabinet is subterranean and thus the existing infrastructure is situated below ground floor level.

The public water supply operated by United Utilities ends at the point outside of the land within the control of the applicant and United Utilities is not responsible for or does not advise on, private infrastructure.

Whilst the site, depicted by a red edge on the Location Plan is within the High Peak LPA boundary, the main dwellinghouse Moorside Cottage, and its associated ancillary buildings and hard standing is situated within the Peak District National Park.

For the purposes of the Local Development Plan, the site lies outside of the built-up area boundary in the open countryside and within the North Derbyshire Green Belt.

PROPOSAL

The application seeks full planning permission for a new building, that would contain infrastructure associated with a new private water supply to serve the main dwellinghouse, replacing the existing small scale, subterranean pumping station.

At the request of Officers, the applicant has submitted revised Floor and Elevation Plans (Ref: 1883-101A & 1883-102A) which are the subject of assessment within this report.

During the lengthy consultation process, the applicant has submitted further information which has sought to respond to Officer's requests to clarify the details associated with the existing context, and to justify (i) the need for proposed development; and (ii) the design features of the proposed development.

A summary of the submissions put forward by the applicant, received at different stages throughout the consultation process, concluding with a letter dated 14th August, supplemented by further revised plans (Ref: 1883-101B & 1883-102B) are set out below:

- The site contains two dwellings – Moorside Cottage and Moorside House – both of which have 4no. bedrooms (3no. double and 1no. single) with the average of water is 142 litres per day, with 50 litres on average being for showering. Building Regulations (Part G) require target usage for new buildings and modern valves, tap etc. to be 125 litres per person per day. These dwellings fully occupied would have a large usage.
- The existing water supply to Moorside Cottage and Moorside House is provided from the mains supplied by United Utilities, which in turns feeds a subterranean water tank. The water is then pumped up to water tanks in the roof spaces of each dwelling, and it then distributed through the houses as a 'traditional' and 'outdated' gravity system.
- All the pipework, tanks etc. are private from the point of mains connection to the subterranean tank. United Utilities have no responsibility for this supply, and as such cannot offer any formal view on the design of the (private) system beyond the point of connection
- There is no direct connection to any outlet in the houses, and all outlets including the supply for drinking, cooking etc is from the subterranean tank which is not fit for human consumption. The supply in the houses has poor pressure and there are occasions during peak usage periods, when there is a pause in supply whilst tanks are filled from the existing subterranean tank. Gravity fed plumbing systems do not provide satisfactory supply for modern usage such as showering
- The applicant has attempted to increase water pressure by fitting a dual pumped booster tank located in the first floor of Moorside Cottage. Whilst satisfactorily improving pressure, it does not improve water quality, which remains unsuitable for consumption. The supply at Moorside House has not been modified.
- It is not permissible to pump water directly from the mains (operated by United Utilities) which is governed by Water Authority byelaws. As such, a break tank is required before any pumping equipment is attached, a requirement met by the subterranean tank that requires replacement.

- It is not possible to simply replace the existing tank because the new tank would have to be sealed and have fittings to meet modern requirements. Adequate access and space around the tank is required to enable maintenance from a standing position. The position of the pumps and electrical supply components is not satisfactory and additional space would be needed for that. The lack of working space has led to difficulties in securing tradesman willing to carry out the work. At present, it is necessary to crawl into the housing space and its not possible for a worker to stand up. Simply replacing the existing with matching new equipment is not acceptable. It would not deliver the improvements that are necessary for the supply to meet modern requirements.
- Plans have been developed in consultation with the manufacturer of booster tanks and pumps, which involves the re-location of the existing booster tank within Moorside Cottage to the proposed building and to replace pumps on that tank to enable the supply to reach the dwelling and provide adequate pressure as well as providing a supply of clean drinking water to dwellinghouses as required by Drinking Water Regulations. A new booster tank and twin pumps would be provided in the same proposed building for the supply to Moorside House.
- United Utilities appear to question whether the proposed design will work in practice. The applicant has taken great care in and given much consideration to the viability and success of the design, with United Utilities having no input (as they have no responsibility beyond the point at which the water leaves the mains connection and becomes private), and thus advice has been sought from manufacturers.
- The applicant has carried out their own tests which have shown there is sufficient pressure to provide a supply from the proposed building at a rate of 4.74 litres per minute, with the normal supply rate from mains to household ranging from between 27 and 50 litres per minute. This shortfall can only be rectified by storage.
- The current storage within both dwellinghouses is approximately 225 litres each (500 in total) and the subterranean tank provides a similar amount. Due to pressure problems, this has at times proved to be insufficient because replenishment is slow.
- It has been determined in consultation with manufacturers it has been demonstrated that only 3no. storage units can cope with the demand of the two houses. The size of the building has been reduced to the fact that the need for 2no. separate emergency storage tanks has been eliminated through discussions.
- As to whether the replacement plant required could be sited underground, the footprint and height of such an underground facility would be at least as large as the footprint of the proposed building plus additional space for access. There would be a risk of encountering and damaging the airshafts, culverts and sluice system, and the costs/expense would be vast.

- To carry out the modernisation of the water supply system to the two houses would cost £20,000 for the plant alone, and thus such expenditure is only being contemplated because the work is essential. Added costs occurred by constructing a watertight subterranean chamber capable of accommodating the necessary plant and equipment would be prohibitive. The proposed building is necessary in order to provide secure housing for the plant that is capable of being insured.
- Having regard to Green Belt policy, it is not accepted that it is necessary to demonstrate that the use of an underground facility is not possible, in order to conclude that Very Special Circumstances (VSC) exist. Based on the documentation submitted throughout the consultation period, the VSC are understood to amount to the following:
 - *Current water supply is not fit for purpose and not compliant with modern day regulations*
 - *United Utilities have confirmed that there is a need to pump water to the properties via sealed water containers and a pressurised pump system*
 - *BS Specifications for design and construction of tanks confirms inadequacy of the current system having regard to current regulations*
 - *It is not possible to maintain, service or repair the existing system due to its inaccessibility*
 - *Current size of existing plant area is insufficient to meet the requirements of modern-day storage facilities water, and to meet health and safety requirements with regards access, repairs and servicing*
 - *New facility is required to serve a remote rural property without a direct water supply from water utility company*
 - *Drinking water Inspectorate and Local Authorities have a duty to ensure end usage of supplies is wholesome water which is not a danger to human health*
 - *Current system is impractical in terms of accessibility. Neither it is deemed reasonable or practical to build a larger submersible plant due to the terrain where the building will be positioned. Numerous airshafts, culverts and sluice systems all lie within close proximity. Proposed plant is at the base of a stone quarry and therefore would make any submersible development extremely difficult.*
 - *No visual impacts and no public objections received*

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
EQ3 Rural Development
EQ4 Green Belt Development
EQ6 Design and Place Making

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12
Protecting Green Belt Land	Chapter 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 25th May 2023
Neighbour consultation period ends: 19th April 2023
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Derbyshire County Council Highways

No objections

Peak District National Park Authority

No comments received

OFFICER COMMENTS

Principle of Development & Impact on Green Belt

The application seeks permission for a new building that replaces an existing water pumping station to provide for upgraded modern water pumping facilities to serve the private residence known as Moorside Cottage.

The site lies within the open countryside and the Green Belt and as such is subject to Local Plan (LP) Policies EQ3 and EQ4 and relevant restrictive policies relating to the Protection of the Green Belt contained under Chapter 13 of the NPPF.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy.

Chapter 13 of the NPPF contains the restrictive national planning policies relating to the Protection of the Green Belt.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraphs 149 and 150 of the NPPF set out the exceptions to where new buildings and other forms of development respectively are not defined as inappropriate development in the Green Belt and thus acceptable in principle subject to all other material considerations.

The proposed new building does not meet any of the exceptions set out under paragraphs 149 and 150 of the NPPF and thus comprises inappropriate development in the Green Belt. As such, the principle of development is not supported unless Very Special Circumstances can be demonstrated that outweigh the harm to the Green Belt by definition or any other harm (including harm to the openness of the Green Belt). Such circumstances are considered and against within the 'Planning Balance' section of this report.

Design, Character and Appearance

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The site has a relatively small surface area, but nevertheless lies in a visually prominent location from the immediately adjacent public footpath that runs north of the proposed building. Notwithstanding matters relating to the Green Belt, the proposed building is of a modest scale and height which is constructed from traditional high quality materials that are wholly appropriate for its rural setting.

It is therefore considered that the design, character and appearance of the proposed building is of an appropriate scale, height, massing and visual appearance that does preserve the character and appearance of the immediate and wider rural landscape character, in accordance with LP Policies S1, EQ3 and EQ6 and relevant paragraphs under Chapter 12 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks permission for a new building that would replace an existing cabinet structure on a parcel of land adjacent to the entrance of Moorside Cottage, and adjacent to a public footpath to facilitate more modern upgraded pumping facilities to serve the private residential dwelling.

Paragraph 149 (d) of the Framework allows for replacement buildings, provided they are not materially larger than the one that they replace. The replacement building is clearly materially larger than the one it replaces and as such the proposed development does not meet any of the exceptions to inappropriate development set out under paragraphs 149 and 150 of the NPPF, and thus constitutes inappropriate development in the Green Belt.

As such, in order to be supported, the applicant must demonstrate that Very Special Circumstances are engaged which in the view of officers, outweigh the harm to the Green Belt by definition and any other identified harm (including harm to openness) having regard to LP Policy EQ4 and paragraphs 147 and 148 of the NPPF.

Very Special Circumstances

From a review of submissions received throughout the consultation period, the Very Special Circumstances put forward by the applicant are understood to amount to the following:

- *Current water supply is not fit for purpose and not compliant with modern day regulations*
- *United Utilities have confirmed that there is a need to pump water to the properties via sealed water containers and a pressurised pump system*
- *BS Specifications for design and construction of tanks confirms inadequacy of the current system having regard to current regulations*
- *It is not possible to maintain, service or repair the existing system due to its inaccessibility*
- *Current size of existing plant area is insufficient to meet the requirements of modern-day storage facilities water, and to meet health and safety requirements with regards access, repairs and servicing*
- *New facility is required to serve a remote rural property without a direct water supply from water utility company*
- *Drinking water Inspectorate and Local Authorities have a duty to ensure end usage of supplies is wholesome water which is not a danger to human health*

- *Current system is impractical in terms of accessibility. Neither it is deemed reasonable or practical to build a larger submersible plant due to the terrain where the building will be positioned. Numerous airshafts, culverts and sluice systems all lie within close proximity. Proposed plant is at the base of a stone quarry and therefore would make any submersible development extremely difficult.*
- *No visual impacts and no public objections received*

Assessment of VSC against harm to Green Belt

Whilst there are clearly no public benefits associated with the proposed development, Officers accept that the need to provide a consistent clean water supply to a habitable residential property, in its own right, amounts to a Very Special Circumstance that could be judged to outweigh harm to the Green Belt, both by way of definition, and harm to the openness, arising from its prominent location adjacent to a public footpath.

However, the assessment of this application and subsequent recommendation centres on whether Officers are satisfied that the construction of a new building is the only way in which the required water supply can be secured, rather than being simply an alternative desirable option.

In order to assist Officers, the applicant has been asked on several occasions to provide an appraisal which explores each option of upgrading the water supply to the two properties, supported by suitably qualified expertise, which effectively rules out why certain options cannot be progressed. However, this further information has not been forthcoming.

In the absence of such information, Officers are not able to reach the conclusion that the need for the new building with its associated private benefits amounts to Very Special Circumstances.

With regards to the harm to the Green Belt, the building, whilst modest in scale, height and massing, would introduce a larger built structure to a parcel of land which has a open rural character, immediately adjacent to a public footpath. As a consequence, there would be moderate degree of harm to both the spatial and visual aspect of openness.

In the overall planning balance, it is considered that in its current form, there is insufficient certified assessment and survey information supported by suitably qualified professionals to conclude that this proposal amounts to the only way (and not an alternative desirable way) of addressing the (accepted) water supply issue.

Whilst the authority absolutely want to reach a satisfactory conclusion that ensures that both properties are adequately served by a good water supply, this has to be done the most sensitive manner having regards to its Green Belt location.

For the reasons set out above, it is concluded that the application fails to demonstrate Very Special Circumstances that outweighs the identified harm to the Green Belt by virtue of definition and harm to the spatial and visual aspect of openness, and as such is in direct conflict with Local Plan Policy EQ4, and relevant restrictive policies contained under Chapter 13 of the NPPF.

The application thus fails to constitute a sustainable form of development and is in conflict with Local Plan Policy S1 and paragraph 11 of the NPPF.

It should be made clear that the LPA may well be in a position to approve this proposal subject to the required level of assessments and surveys which fully demonstrate the need for development and why other alternatives cannot be delivered accompanying an application.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 27th October 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council